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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/051,344	01/18/2002	Stefan Nusser	SOM920010011US1	8691

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EXAMINER

PERUNGAVOOR, VENKATANARAY

ART UNIT PAPER NUMBER

2132

DATE MAILED: 10/05/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/051,344

Applicant(s)

NUSSE ET AL.

Examiner

Venkatanarayanan Perungavoor

Art Unit

2132

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 9/9/2005.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-27 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 1/18/2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

1. Claims 1-8, 10-17, 19-26 are rejected under 35 USC § 102(e) anticipated by U.S. Patent Publication No. 2002/0188854 A1 to Heaven et al.
2. Claims 9, 18, 27 are rejected under 35 USC § 103(a) as unpatentable over U.S. Patent Publication 2002/0188854 A1 to Heaven et al.(hereinafter Heaven) in view of U.S. Patent Publication No. 2002/0174125 A1 to Lucovsky et al.(hereinafter Lucovsky).

Response to Arguments

3. The Examiner has reviewed the overview of the invention presented in the Arguments. However, the arguments are not persuasive and the claimed invention is fully met by U.S. Patent Publication No. 2002/018854 A1 to Heaven et al.(hereinafter Heaven).
4. The Applicant's arguments regarding Claim 1 and 19 are not persuasive. Heaven does disclose the verify satisfaction of a specified set of usage conditions required for each usage right see Par. 0017 & Par. 0022 & Par. 0044(Heaven discloses the use of auditing keystrokes to verify user and granting exercise of the rights).

5. The Applicant's arguments regarding available types of usages being flexibly varied is also disclosed by Heaven see Par. 0038-0039(Heaven discloses altering, updating, adding etc.)
6. For citations of 35 USC § 102(e) and 35 USC § 103(a) please consult previous office action.

Response to Amendment

Claim Rejections - 35 USC § 102

7. Claim 1-8, 10-17, 19-26, rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent Publication 2002/0188854 A1 to Heaven et al.(hereinafter Heaven).
8. Regarding Claim 1, Heaven discloses the retrieving digital property rights lists identifying first associated digital property rights module and a second digital property rights module where the first is located within digital rights management core and second is separate from core see Fig. 1 item 28, 32; the controlling access to a data set by identifying an associated extension rights control module and generating of authorization for desired type of access to a data set see Par. 0022 & Par. 0020 & Par. 0003; the requesting the authorization for desired access see Fig.1 item 24; receiving and granting the authorization from module if set usage conditions are satisfied see Par.0020 & Par. 0026.

9. Regarding Claim 2, Heaven discloses the authenticating the associated extension rights control module see Par. 0020.
10. Regarding Claim 3, Heaven discloses multi-media presentation, audio, a database and document data set see Fig.1 item 1,34,32 & Abstract.
11. Regarding Claim 4, Heaven discloses the extension control module being installed prior to the step of requesting see Par.0019 & Par. 0028.
12. Regarding Claim 5, Heaven discloses the extension rights control module having data set, a remote device and external Digital Property Rights library see Par. 0019 & Par. 0044-0046.
13. Regarding Claim 6, Heaven discloses the accepting a rights request to a data set, this data set being associated with digital property rights list identifying first associated digital property rights module and a second digital property rights module where the first is located within digital rights management core and second is separate from core see Fig. 1 item 28, 32 & Par. 0017; determining if the rights request is contained within the list see Par. 0022; determining if the rights control module is required to authorize and retrieving the module see Par. 0021 and requesting authorization for the requested right see Par. 0034; granting the desired type of access see Par. 0030.

14.Regarding Claim 7, Heaven discloses the validating the digital property rights list see Par. 0041-0043.

15.Claim 8 is rejected under the same rationale as Claim 2 above.

16.Regarding Claim 10, Heaven discloses the associated extension rights identified in a digital property rights list residing in a Digital Rights Management core and control module separate from the Digital Rights Module and generating an authorization for desired type of access to data if a set of usage conditions are satisfied see Par. 0017 & Par. 0022 & Fig. 1 item 28, 32; a rights manager that requests the authorization and grants in response to authorization see Fig.1 item 24 & Par.0020 & Par. 0026.

17.Claim 11 is rejected under the same rationale as Claim 2 above.

18.Claim 12 is rejected under the same rationale as Claim 3 above.

19.Claim 13 is rejected under the same rationale as Claim 4 above.

20.Claim 14 is rejected under the same rationale as Claim 5 above(downloadable module includes DPR library).

21.Regarding Claim 15, Heaven discloses the control module that generates an authorization for desired type of access to data set if usage conditions are satisfied see Par. 0017 & Par. 0022; accepting a rights request to a data set, this

data set being associated with digital property rights list identifying first associated digital property rights module and a second digital property rights module where the first is located within digital rights management core and second is separate from core see Fig. 1 item 28, 32 & Par. 0017; determining if the rights request is contained within the list see Par. 0022; determining if the rights control module is required to authorize and retrieving the module see Par. 0021 and requesting authorization for the requested right see Par. 0034; granting the desired type of access see Par. 0030.

22. Regarding Claim 16, Heaven discloses the verifying the digital property rights list see Par. 0041-0043.

23. Regarding Claim 17, Heaven discloses the verifying the associated extension rights control module see Par. 0020.

24. Claim 19 is rejected under the same rationale as Claim 1 above.

25. Regarding Claim 20, Heaven discloses the authenticating the associated extension rights control module see Par. 0020.

26. Regarding Claim 21, Heaven discloses multi-media presentation, audio, a database and document data set see Fig.1 item 1,34,32 & Abstract.

27. Regarding Claim 22, Heaven discloses the extension control module being installed prior to the step of requesting see Par.0019 & Par. 0028.

28. Claim 23 is rejected under the same rationale as Claim 5 above(downloadable module includes DPR library).

29. Claim 24 is rejected under the same rationale as Claim 6 above.

30. Claim 25 is rejected under the same rationale as Claim 16 above.

31. Claim 26 is rejected under the same rationale as Claim 17 above.

Claim Rejections - 35 USC § 103

32. Claim 9, 18 and 27, rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Publication 2002/0188854 A1 to Heaven et al.(hereinafter Heaven) in view of U.S. Patent Publication No. 2002/0174125 A1 to Lucovsky et al.(hereinafter Lucovsky).

33. Regarding Claim 9, 18, and 27, Heaven does not disclose the use XML.

However, Lucovsky discloses the use of XML see Par. 0040. It would be obvious to one having ordinary skill in the art at the time of the invention to include XML of Lucovsky in the invention of Heaven in order to use the schemas more efficiently as taught in Lucovsky see Par. 0040.

Conclusion

34. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a). A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.


35. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Venkatanarayanan Perungavoor whose telephone number is 571-272-7213. The examiner can normally be reached on 8-4:30. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gilberto Barron can be reached on 571-272-3799. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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36. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

VP
9/30/2005

Venkatanarayanan Perungavoor
Examiner
Art Unit 2132


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